

ARTICLE & WEB ALERT

November/December 2005

FOCUS SECTION

FREEDOM OF INFORMATION ACT

"A popular Government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives," remarked the fourth President of the United States, James Madison in "Notes on Virginia." James Madison, the "Father of the Constitution", and chief author of the Bill of Rights, was born on March 16 and Freedom of Information Day is celebrated on that day.

While James Madison, who lived between 1751-1836, supported an open government, the Freedom of Information Act was not enacted until 1966. It is only within the last forty years that any such right was conferred to American citizens. The *Freedom of Information Act* (FOIA), Title 5, United States Code, Section 552, was signed into law on July 4, 1966, by President Lyndon Johnson. Johnson pronounced in his statement issued at the time he signed the FOIA into law, "This legislation springs from one of our most essential principles: a democracy works best when the people have all the information that the security of the Nation permits." This Act moved the access of information from a need to know basis to a right to know basis. The FOIA has since been amended in 1974, 1986, and most recently, with the *Electronic Freedom of Information Act Amendments of 1996*.

The FOIA applies to documents held by agencies in the executive branch of the federal government. These agencies are under several mandates to comply with public solicitation of information. The FOIA does not apply to Congress or the judicial branch, nor does it apply to records of state or local governments. While the federal government controls the vast bulk of information, state governments have also passed their own versions of the Act. Information about a state's laws can be obtained by writing the Attorney General of the state.

Freedom of Information Acts, at the federal and state levels, divide information into categories and provide restrictions within those categories. Two areas of particular interest to many people are military and law enforcement files. Each category has restrictions to the information that are much more under the control of the keepers of the information than the seekers. National security, on-going police investigations, or the very existence of the information sought, provide means of keeping the information under wraps.

The FOIA establishes the premise that government information should be accessible to the people. Before the FOIA was signed in 1966, the burden was on the requester to demonstrate a need to know, and there were no judicial remedies for those denied access. With the passage of the FOIA, the standard of a need to know has become a right to know, and the burden has shifted to the government to prove why records should not be disclosed. Judicial remedies are also provided.

The FOIA requires that certain information, such as descriptions of agency organization and office addresses, statements of agency operations, rules of procedures, general policy statements, final opinions made in the adjudication of cases, and administrative staff manuals that affect the public must be made available for inspection by the general public. This is accomplished through the use of public reading rooms. All other agency records may be requested under the FOIA, regardless of the format of the record (i.e., electronic records, photographs, videos, tape recordings, etc.). The FOIA requires that a requester ask for documents, not information. This means that an agency need only look for an existing document, not create documents or answer questions in response to FOIA requests.

The FOIA also requires that U.S. government agencies release their records to the public on request, unless the information sought falls into a category specifically exempted, such as national security, an individual's right to privacy, or internal agency management. The Act provides for court review of agency refusals to furnish identifiable records. The states also have similar laws. Presidential papers remained under the control of individual American presidents until 1981, when the Presidential Records Act -- enacted by Congress in 1978 -- took effect. Under it, presidential papers were to be released to the public 12 years after an administration ended. In 2001, however, President George W. Bush signed an executive order that gave a former president or a sitting president the right to prevent the release of a former president's papers to the public. The Bush administration has generally been more reluctant to release documents under the Freedom of Information Act.

Although the FOIA is primarily a disclosure law, not all documents requested under the FOIA are automatically released. There are nine exemptions under which records may be withheld from public inspection. Records may be withheld under the FOIA if they are: related solely to internal personnel rules and practices; specifically mandated to be withheld from public release by other statutes; trade secrets and commercial or financial information which is obtained from a person and is privileged or confidential; inter-agency or intra-agency memoranda or letters, attorney-client privileged information, or attorney work product; personnel and medical files and similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy; investigatory records or information compiled for law enforcement purposes; information contained in or related to certain examination, operating, or condition reports concerning financial institutions; and certain information concerning gas or oil wells.

For additional information, a webliography is presented here for your use. However, the inclusion of Internet sites other than those of the U.S. government should not be construed as an endorsement of the views contained therein. The websites are current as of date and are subject to change at any time.

ACLU Step-by-Step Guide to Using the Freedom of Information Act
<http://www.aclu.org/library/foia.html>

Basic FOIA References
[http://www.oalj.dol.gov/public/apa/REFRNC/FOIA Guide, 2000 Edition Basic FOIA References.htm](http://www.oalj.dol.gov/public/apa/REFRNC/FOIA%20Guide,%202000%20Edition%20Basic%20FOIA%20References.htm)

CIA Electronic Document Release Center
<http://www.foia.ucia.gov/>

Citizen's Guide on Using the Freedom of Information Act
<http://www.fas.org/sgp/foia/citizen.html>

Congressional Quarterly
<http://www.cni.org/docs/infopols/US.Freedom.Info.Act.html>
eclassified Documents and other Sources for Secrets
<http://www.lib.msu.edu/foxre/declass.html>

Department of Justice's FOIA Guide
<http://www.usdoj.gov/oip/foi-act.htm>

Electronic Freedom of Information Act of 1996
http://www.epic.org/open_gov/foia/efoia.html

Electronic Privacy Information Center
http://epic.org/open_gov/

Executive Order 12958: Classified National Security Information
<http://www.fas.org/sgp/clinton/eo12958.html>

Executive Order 12968: Access to Classified Information
<http://www.fas.org/sgp/clinton/eo12968.html>

Executive Order 13142: Amendment to Executive Order 12958 -- Classified National Security Information
<http://www.fas.org/sgp/clinton/eo13142.html>

FBI FOIA Reading Room
<http://foia.fbi.gov/room.htm>

Freedom of Information Act of 1966 and Amendments
http://www.epic.org/open_gov/foia/us_foia_act.html

Freedom of Information Center
<http://web.missouri.edu/~foiwww/index.html>

Guide to the FOIA Reading Rooms
<http://www.oalj.dol.gov/public/apa/refrnc/FOIA%20Guide,%202000%20Edition,%20FOIA%20Reading%20Rooms.htm>

Map of the World with FOI
<http://www.privacyinternational.org/issues/foia/foia-laws.jpg>

Privacy International: Freedom of Information Overview
<http://www.privacyinternational.org/index.shtml?>

Society of Professional Journalists' FOIA Resources
<http://www.spj.org/foia.asp>

Your Right to Federal Records
http://www.pueblo.gsa.gov/cic_text/fed_prog/foia/foia.htm

1. FREEDOM OF INFORMATION?

By George H. Pike. Information Today, April 2005, pp. 17 & 20.

This article presents information on the Freedom of Information Act (FOIA) in the U.S. and its impact on the information services industry. Section 105 of the Copyright Act states that most works created by the U.S. government are not subject to copyright and are automatically in the public domain. The First Amendment establishes not only a right to freedom of speech, but also freedom of access to information in support of speech. These provisions of the law are based upon the principle that citizens of the U.S. are the owners of government information. History states that while the government may not be able to copyright much of its information, there are a number of times and circumstances when the government protects its information by simply not making it available. The myriad of reasons expressed for this protection has included issues of privacy, prevention of criminal activities, and concerns for national security. The abuses of the McCarthy era, civil rights battles, and the Vietnam War led to the enactment of FOIA, which provides citizens with a presumptive right to the release of government documents, subject to only limited exemptions. There have been calls for the FOIA to be updated to reflect new dynamics in the information climate as well as to re-explore the balance between information disclosure and security needs. One such effort, the Openness Promotes Effectiveness in National Government Act (OPEN Act), is now before Congress. It would strengthen FOIA in several respects, including limiting the exemptions that arise from other statutes, expanding fee waivers, increasing requirements for FOIA reporting, requiring more timely responses to FOIA requests, and increasing funding for FOIA responses.

2. FREEDOM OF INFORMATION ACT: AGENCY VIEWS ON CHANGES RESULTING FROM NEW ADMINISTRATION POLICY

United States General Accounting Office, September 18, 2003. 38 p.

Based on principles of openness and accountability in government, FOIA establishes that federal agencies must provide the public with access to government information, unless the information falls into nine specifically exempted categories. Agencies can use their discretion to disclose information, even if it falls into one of the nine exempted categories; this is known as a "discretionary disclosure." At the beginning of a new administration, the Attorney General has traditionally issued a memorandum concerning FOIA policy. On October 12, 2001, Attorney General Ashcroft issued a FOIA policy memorandum, also referred to as the "new policy", which superseded the previous memorandum issued by Attorney General Reno in 1993. The article examines the two primary differences from the Reno policy.

3. FREEDOM OF INFORMATION ACT (FOIA) AMENDMENTS: 109TH CONGRESS

By Harold C. Relyea. Congressional Research Service, May 16, 2005. 11 p.

This report examines efforts to amend the FOI Act. Enacted in 1966 after 11 years of investigation, legislative development, and deliberation in the House and half as many years of such consideration in the Senate, the Freedom of Information Act (FOIA) displaced the ineffective public information section of the Administrative Procedure Act. The FOIA was designed to enable any person — individual or corporate, regardless of citizenship — to request, without explanation or justification, presumptive access to existing, identifiable, unpublished, executive branch agency records on any topic. Disputes over the accessibility of requested records could be ultimately settled in court. Not supported as legislation or enthusiastically received as law by the Executive Branch, the FOIA was subsequently refined with direct amendments in 1974, 1976, 1986, and 1996. The statute has become a somewhat popular tool of inquiry and information gathering for various quarters of American society — the press, business, scholars, attorneys, consumers, and environmentalists, among others — as well as some foreign interests.

4. GIVING FOIA A FACE LIFT

By Katie O'Keefe. Quill, September 2005, pp. 8-10.

“Nearly a decade has passed since the last major reform of the Freedom of Information Act. Since President Lyndon B. Johnson signed the act into law in 1966, it has undergone significant reforms about once every 10 years: 1974, 1986 and 1996,” the author writes. She adds, “During the past few years, many lawmakers have tried unsuccessfully to push for more modifications. But this year is different. Now, legislators from both ends of the political spectrum have teamed up to endorse legislation amending FOIA.” In light of a new study scrutinizing how agencies handle FOIA requests, these legislators hope to jumpstart the use of the electronic FOIA system by restoring accountability and openness of the government.

5. INFORMATION MANAGEMENT: IMPLEMENTATION OF THE FREEDOM OF INFORMATION ACT

By Linda D. Koontz. United States General Accounting Office, May 11, 2005, 25 p.

The Freedom of Information Act (FOIA) establishes that federal agencies must provide the public with access to government information, thus enabling them to learn about government operations and decisions. To help ensure appropriate implementation, the act requires that agencies report annually to the Attorney General, providing specific information about their FOIA operations. GAO has reported previously on the contents of these annual reports for 25 major agencies. GAO was asked to describe the FOIA process and discuss the reported implementation of FOIA. Although the specific details of processes for handling FOIA requests vary among agencies, the major steps in handling a request are similar across the government. Agencies receive requests, usually in writing (although they may accept requests by telephone or electronically), which can be submitted by any

organization or member of the public. Once requests are received, the agency responds through a process that includes several phases: initial processing, searching for and retrieving responsive records, preparing responsive records for release, approving the release of the records, and releasing the records to the requester. According to data reported by agencies in their annual FOIA reports, citizens have been requesting and receiving an ever-increasing amount of information from the federal government through FOIA. The number of requests that agencies received increased by 71 percent from 2002 to 2004. Further, agencies reported they have been processing more requests -- 68 percent more from 2002 to 2004. For 92 percent of requests processed in 2004, agencies reported that responsive records were provided in full to requesters. However, the number of pending requests carried over from year to year has also been increasing, rising 14 percent since 2002.

6. PLUGGING THE LEAKS: APPLYING THE MODEL RULES TO LEAKS MADE BY GOVERNMENT LAWYERS

By Kristina Hammond. *Georgetown Journal of Legal Ethics*, July 1, 2005, pp. 783-796.

Recently there have been a number of headlines relating to the exposure of confidential government information. Aside from these high profile incidents, confidential information is leaked on a weekly basis, often with little outcry. This paper explores the additional responsibilities government attorneys have not to reveal confidential information, above and beyond the duty of confidentiality, which binds a private lawyer, or a statutory duty that binds a non-attorney government employee. It looks at why government employees may choose to disclose non-public information and at confidentiality requirements generally for government employees. It considers attorneys in government: what they do, who they work for, and who their client is.

7. POLITICIANS PROMOTE FOIA COMPLIANCE

By Nikki Swartz. *Information Management Journal*; September/October 2005, pp. 18.

This article reports on the collaboration of U.S. Senator Patrick Leahy and Senator John Cornyn to promote compliance with the Freedom of Information Act (FOIA). Cornyn and Leahy are pushing legislative changes that would toughen the law. They would penalize agencies that do not respond to requests within 20 days. They want to create a position for an independent arbiter, an FOIA ombudsman, who would help referee conflicts between the public and the government while requiring departments to provide information on how they process requests. The legislation would also order the creation of a government-wide tracking system that would enable the public to keep tabs on requests as they make their way through the bureaucracies.

8. SUNSHINE HAS NEVER BEEN EASY

By Daniel Glover. *National Journal*, August 13, 2005, pp. 2590.

"Advocates of open access to government documents are pushing for another update to the Freedom of Information Act, and they have the support of some key members of Congress. In June, the Senate passed legislation expanding FOIA that was sponsored by Sen. John

Cornyn, R-Texas, a member of the Senate Judiciary Committee, and Sen. Patrick Leahy, D-Vt, the panel's ranking member, and they have other FOIA bills in the pipeline. Rep. Lamar Smith, R-Texas, the chairman of a House Judiciary subcommittee, is pushing companion legislation," writes Daniel Glover. This paper mentions that the Senate passed the first broad freedom of information bill on July 28, 1964, and resurrected and passed virtually the same bill by voice vote the next year, in the 89th Congress. The House debate in 1966 focused on the 1946 act. That law only mandated data disclosures to people who were "properly and directly concerned," and it created exemptions for "secrecy in the public interest," "internal management," and even "good cause."

9. THE WORLD MOVES TOWARD FREEDOM OF INFORMATION

By Nikki Swartz. *Information Management Journal*, November/December 2004, pp. 20-23.

This article deals with several issues associated with the enactment of the Freedom of Information Act (FOIA) in various countries. Great Britain is one of more than 50 countries around the world that have adopted freedom of information acts facilitating access to government records. Many other countries -- including Russia, Germany, Brazil, the Philippines, Switzerland, and Taiwan, according to the human rights group Privacy International -- are moving in that direction. According to a study based on government data, U.S. government secrecy has increased significantly in recent years, despite rising public demand for government information. In fact, U.S. policies and practices since the terrorist attacks on September 11, 2001 have expanded secrecy, as measured by the number of newly classified documents. For instance, the government in 1995 classified 3,579,505 new documents. In 2003, the government classified 14,228,020 new documents. While some rise in classification is typical in wartime, OpenTheGovernment.org says this increase runs counter to recommendations from the 9/11 Commission and the Congressional Joint Inquiry into 9/11, both of which recommended reforms to reduce unnecessary secrets.

BUSINESS & ECONOMICS

10. ENERGY INDEPENDENCE

By Philip J. Deutch. *Foreign Policy*, November/December 2005, pp. 20-25.

"High oil prices have everyone clamoring for energy independence. It sounds good, but it's an illusion. And energy conservation isn't the answer, either. Oil, gas, and coal are with us for the long haul, and the ballyhooed hydrogen solution is little more than hot air. New technologies will help, but don't expect any miracles," writes Philip J. Deutch, managing partner of NGP Energy Technology Partners, a private equity firm that invests in companies developing technologies for the energy industry. He writes that when people call for energy independence, they usually mean ending reliance on imported oil. However, the trend lines clearly indicate that Americans are becoming more energy dependent, not less so. In 1973, the U.S. imported 35% of its oil; by 2003, that proportion had jumped to 55%. In 2004, the U.S. consumed an average of 20.4 million barrels of oil per day, more than half of which was imported. Oil is a global commodity, the price of which is based on worldwide supply and

demand. Events influencing supply and demand in one country affect prices in another. There is no point in pretending that the U.S. can cease using coal. Limiting coal also poses a dilemma for those who favor energy independence. Energy independence may be hopeless in the next 20 years, but there is no doubt that emerging technologies will eventually bear the brunt of the energy burden.

11. FACING THE GLOBAL COMPETITIVENESS CHALLENGE

By Kent H. Hughes. *Issues in Science and Technology*, Summer 2005, pp. 72-78.

The article examines the economic challenges facing the U.S. in terms of global leadership in innovation. During the past 15 years, the rise of China, reform in India, and the end of the Soviet Union have added more than 2.5 billion relatively well-educated but low-wage people to the world labor force. New competitors in Asia and the old Soviet sphere of influence as well as old rivals in Europe and Japan are making strides in adapting the U.S. model of innovation to their own economic institutions and traditions. When the U.S. entered the 21st century, it faced yet another set of difficulties: the collapse of a financial bubble, a slowing economy, the tragic attacks of 9/11, and a series of corporate scandals. Yet a public-sector focus on stimulating the economy and a still more productive private sector combined to move the economy back toward growth by 2003. Economic policy in the 1990s followed the outlines of the competitiveness strategy. Presidents George Bush and Bill Clinton reduced deficits to improve the climate for investment, supported higher standards for K-12 education, and actively negotiated trade agreements. The growing international commitment to innovation holds great promise for the U.S. as well as for the entire world. In the coming decades, we can expect to make greater progress in fighting disease, facilitating communication, improving the environment, and fighting hunger.

12. MAKING DEVELOPMENT WORK

By Robert W. Hahn and Paul C. Tetlock. *Policy Review*, August-September 2005, pp. 27-38.

Not too long ago, foreign aid was viewed as a path to economic development for the developing world. In some quarters, most notably the development banks and the United Nations, it still is. But there is dissension in the ranks. Hahn and Tetlock address the two big problems that confront all decision makers who want to give out aid and consider the ideas that can be applied to a broad range of development problems. "Our dream is a World Free of Poverty" reads the sign at the entrance to the World Bank headquarters. That's quite a lofty goal. So how do we achieve it? The short answer is that no one is certain. The long answer is that there is a way to substantially improve on the basic model for economic development — using a new kind of market and paying for performance."

13. WORKING IN THE FUTURE

By John A. Challenger. *Futurist*, November/December 2005, pp. 47-50.

The workplace is constantly evolving. Over the last 50 years people have seen radical changes in where they work, how they work, and when they work. These changes are most readily evident in the job titles that have dramatically evolved over the years. In just the last decade or so, the dot-com, new economy era brought with it a plethora of new job titles, reflecting the nontraditional management style these entrepreneurial ventures tried to create. Trends in technology society, demographics, and the economy will inspire the job titles of tomorrow. The following are the top 10 candidates for job titles. 1. manager of diversity, 2. offshore outsourcing coordinator, 3. corporate age adviser, 4. retirement consultant, 5. automotive repair technician, 6. corporate historian, 7. chief health officer, 8. eco-relations manager, 9. manager of faith-based relations and initiatives, and 10. coordinator of workforce development and continuing education.

INTERNATIONAL POLITICAL RELATIONS & SECURITY

14. THE CASE FOR "INTEGRATION"

By Richard N. Haass. National Interest, Fall 2005, pp. 22-29.

Haass discusses the need to promulgate a viable doctrine that will serve as a guiding principle in which policymakers navigate and define strategies and determine priorities involving U.S. foreign policies and national security measures. As an intellectual framework, this doctrine will aid in shaping decisions affecting long-term investments in military forces, assistance programs and intelligence and diplomatic assets. He asserts that the doctrine of integration is the appropriate doctrine for the U.S. foreign policy. He also discusses principle of containment according to George Kennan, principal architect of the doctrine of containment; importance of a comprehensive foreign policy or national security doctrine; disadvantages of focusing the U.S. foreign policy goal in the promotion of democracy; and dimensions of a U.S. foreign policy based upon a doctrine of integration.

15. HILLARY IN 2008?: NOT SO FAST

By Amy Sullivan. Washington Monthly, July/August 2005, pp. 32-37.

Sullivan discusses the candidacy of Senator Hillary Clinton's bid for the 2008 presidential election. Talk of her candidacy has gone from conservative wishful thinking to serious discussions within her own party, which is anxious to end its losing streak and is considering the advantages of closing ranks behind an early frontrunner. Once glance at polls showing that 53% of Americans are willing to consider putting Clinton in the White House makes visions of sugar plums and oval offices dance in the heads of Democratic Party leaders.

16. THE NINE PRINCIPLES OF RECONSTRUCTION AND DEVELOPMENT

By Andrew S. Natsios. Parameters, Autumn 2005, pp. 4-20.

In his statement, Andrew S. Natsios, administrator of the U.S. Agency for International Development (USAID) says, "The U.S. foreign assistance community is in the midst of the most fundamental shift in policy since the inception of the Marshall Plan at the end of World War II. The events of 11 September 2001 suddenly and unexpectedly forced the

United States to confront a historic challenge equal in magnitude to the Soviet threat of the Cold War. The tragedy initiated a series of changes leading to the most extensive government reorganization since the Truman Administration created the National Security Council and the Department of Defense. No agency has undergone a greater degree of internal review and transformation than the U.S. Agency for International Development (USAID). For better or worse, USAID is on the front lines of the dominating news stories of the day, whether engaging in reconstruction work in Afghanistan or providing tsunami relief in South Asia. This renewed prominence is not an accident. On the contrary, President George W. Bush's Administration has made development work a national security priority; the September 2002 National Security Strategy underscores development as one of three strategic areas of emphasis (along with diplomacy and defense), and clearly states that 'including all of the world's poor in an expanding circle of development — and opportunity — is a moral imperative and one of the top priorities of U.S. international policy.'"

17. POWER, MORALITY, AND FOREIGN POLICY

By Owen Harries. *Orbis*, Fall 2005, pp. 599-612.

Harries argues that despite the vast amounts of rhetoric one hears in the United States on the role of morality in international politics, the nation lacks a coherent position on the appropriate application of morality to foreign policy. History reflects two prominent and contrasting views on the subject. The first is that morality is irrelevant to national foreign policy; the second applies common principles of individual morality — compassion, generosity, forgiveness, benevolence, and tolerance — to interactions between states. Though elements of each are evident in the Bush administration's foreign policy, the limits on them restrict the efficacy of either. As the application of morality to foreign policy becomes both more necessary and more difficult, prudence and decency — more than self-righteousness or power — should provide the primary inspiration for American foreign policy.

DEMOCRACY & HUMAN RIGHTS

18. CAN DEMOCRACY STOP TERRORISM?

By F. Gregory Gause III. *Foreign Affairs*, September/October 2005, pp. 62-76.

The author argues against the premise of the Bush administration — the push for democracy in the Muslim world will improve U.S. security. He finds this premise faulty. According to him, there is no evidence that democracy reduces terrorism. Indeed, a democratic Middle East would probably result in Islamist governments unwilling to cooperate with Washington. The United States is engaged in what President George W. Bush has called a "generational challenge" to instill democracy in the Arab world. The Bush administration and its defenders contend that this push for Arab democracy will not only spread American values but also improve U.S. security. As democracy grows in the Arab world, the thinking goes, the region will stop generating anti-American terrorism. Promoting democracy in the Middle East is therefore not merely consistent with U.S. security goals; it is necessary to achieve them. But this begs a fundamental question: Is it true that the more democratic a country becomes, the less likely it is to produce terrorists and terrorist groups? In other words, is the security

rationale for promoting democracy in the Arab world based on a sound premise? Unfortunately, the answer appears to be no.

19. THE COURT, THE CONSTITUTION, AND THE CULTURE OF FREEDOM

By Peter Berkowitz. Policy Review, August & September 2005, pp. 3-25.

In the U.S., constitutional law serves as a decisive battleground in the struggle over freedom's moral and political meaning. It is another matter to assess the impact of the battleground on the battle, to clarify the current balance of power, and to anticipate the battles to come. Berkowitz highlights several Supreme Court cases and decisions to show that the freedom secured by the Constitution is inherently unstable.

COMMUNICATION & INFORMATION

20. COPYRIGHT CLEARANCES: LIBRARY COPYING IN THE DIGITAL AGE

By K. Matthew Dames. Online, July/August 2005, pp. 32-36.

This article discusses the implications of the Section 108 and Section 109 of the copyright law for library copying in the digital age. Just as Section 109 is one of the legal cornerstones that permits certain library activities, Section 109 authorizes libraries to perform activities that assist in the dissemination of knowledge. Section 108 generally allows libraries to reproduce copyrighted work for, and distribute those works to, patrons and other libraries. A significant distinction between Section 109 and Section 108 is that while the former allows libraries who legally purchase copies of protected materials to lend those materials to others, the latter allows libraries to copy and redistribute some or all of those materials for purposes such as archiving and interlibrary loan. Section 108, however, has been difficult to stretch to accommodate digital formats and distribution channels.

GLOBAL ISSUES

21. AFGHANISTAN FOUR YEARS ON: AN ASSESSMENT

By Sean M. Maloney. Parameters, Autumn 2005, pp. 21-32.

There are grounds for optimism vis-à-vis the future of Afghanistan. As with any complex mechanism, however, the finer components may be damaged with wear and tear, not all the gears will mesh when we want them to, and the casing will be dropped from a great height time and again. There is an argument to be made in the age of information operations that the simplistic metrics applied by the media and those seeking to make political fodder out of Afghanistan will always leave us with a perception that the country is on the brink of failure. The lack of historical context to these arguments, the ignorance of the effects of the high level of damage caused by 25 years of war, an underestimation of what the Afghan people are capable of, and the ruthless hunt for apparent failure will obscure the realities and complexities of reconstruction in this vast and diverse country. Operation Enduring Freedom and the International Security Assistance Force continue to be critical instruments in buying the Afghan government time for security sector reform.

22. CAN EXTREME POVERTY BE ELIMINATED?

By Jeffrey D. Sachs. *Scientific American*, September 2005, pp. 56-65.

Sachs discusses whether a solution can be found to eliminate extreme poverty. Market economics and globalization are lifting the bulk of humanity out of extreme poverty, but special measures are needed to help the poorest of the poor. For the first time in history, global economic prosperity, brought on by continuing scientific and technological progress and the self-reinforcing accumulation of wealth, has placed the world within reach of eliminating extreme poverty altogether. This prospect will seem fanciful to some, but the dramatic economic progress made by China, India and other low-income parts of Asia over the past 25 years demonstrates that it is realistic. Moreover, the predicted stabilization of the world's population toward the middle of this century will help by easing pressures on Earth's climate, ecosystems and natural resources -- pressures that might otherwise undo economic gains. *INSETS: Crossroads For Poverty; Chronic Poverty: Rich World, Poor People; Globalization, Poverty and Foreign Aid; and Extreme Poverty: Where We Stand.*

23. EARTH SYSTEM ANALYSIS FOR SUSTAINABILITY

By Hans Schnellhuber Joachim, et al. *Environment*, October 2005, pp. 10-25.

Despite scientific progress in everything from nanotechnology to the exploration of Mars, vexing questions remain about our own planet: For example, is humankind about to disrupt the natural dynamics of the Earth System? What will we need to do to avoid this and steer ourselves toward a sustainable future? The authors write, "Much of the media's coverage of science this year has been a retrospective narrative about the universe and our origins within it: Albert Einstein's annus mirabilis of publications, which upended understandings of time, space, and the atom, celebrates its centenary in 2005, and one of modern biology's key building blocks, Charles Darwin's *Origin of the Species*, has made headlines as part of a scientific-cultural divide in certain U.S. communities. While a great deal has been said about what these important scientific works have taught us, looming questions remain about our own planetary system, our interactions within it, and our ability to steer ourselves toward a sustainable future. To answer such large questions, an even more fundamental shift in humankind's research agenda, particularly regarding the analysis of the total Earth System, is in order. Fortunately, such a shift is already under way and will actually complete a millennium-scale development in the history of science."

24. HUMAN TRAFFICKING

By David A. Feingold. *Foreign Policy*, September/October 2005, pp. 26-32.

Feingold offers a look at human trafficking and how to prevent it. He reports that labor trafficking is more widespread than the trafficking of women and children for prostitution; and provides reference to a 2005 study by the International Labor Organization regarding the estimated 9.5 million victims of forced labor in Asia; prevalence of beatings, sexual assault, labor without pay, and sleep deprivation among victims of labor trafficking; claim

that tougher immigration laws will not help prevent human trafficking; report that human trafficking is not controlled by organized crime; discussion of whether legalizing prostitution will increase trafficking; reference to the Victims of Trafficking and Violence Protection Act in the U.S.; and criticism of the United States for thinking that sanctions against foreign governments that do not crack down on human trafficking will be productive.

U.S. SOCIETY, VALUES & POLITICS

25. THE NEW AFRICAN AMERICAN INEQUALITY

By Michael B. Katz, Mark J. Stern, and Jamie J. Fader. *Journal of American History*, June 2005, pp. 75-108.

"The interpretation of twentieth-century African American inequality remains fraught with controversy. Have barriers to African American economic progress crumbled or remained stubbornly resistant to fundamental change? Has the story been similar for women and men? What mechanisms have fostered or retarded change? Those questions matter not only because they cut so close to the heart of twentieth-century American history but also because they bear on important public-policy choices in the present," the authors assert in this article. They rely primarily on census data to examine the controversial topic of black inequality. Their answer to the questions the data pose does not support either the optimistic or the pessimistic version of African American history. But it does not come down in an illusory middle, either. Rather, it recasts the issue by arguing that after World War II the nature of black inequality altered fundamentally. Inequality, the authors contend, worked differently at the end of the twentieth century than at its start or midpoint.

26. ROY AND HIS ROCK

By Joshua Green. *Atlantic Monthly*, October 2005, pp. 70-82.

For two years now the Rock has been in exile, but this could soon change. Shortly after he took office as chief justice of the Alabama Supreme Court, in 2001, Roy Moore caused a national furor by commissioning and installing a granite monument of the Ten Commandments in the state supreme-court building and refusing to remove it. For a time in the summer of 2003 the Rock — or 'Roy's Rock,' as the monument also came to be known — put the issue of the government's relationship to religion on front pages and made Moore infamous. When Moore defied a federal court order to remove the monument, supporters from across the country descended on Montgomery, taking up residence on the steps of the supreme-court building and praying, singing, threatening, blowing ram's horns — all to protect God from the latest assault by the federal government.

27. THINKING ABOUT WRITING ABOUT THINKING ABOUT NEW PLAYS

By Jeffrey Jones. *American Theatre*, October 2005, pp. 38-40 & 150.

The author argues that playwriting, attending plays and play staging are "inherently conservative" activities because audiences will not accept what they do not understand. Avant-garde American painting, on the other hand, has been accepted. Jones writes that this

is because art shows are usually accompanied by catalogs, which explain the work and put them into context. The very existence of the catalog means the show is not a fraud because there are "a core set of terms and concepts" which explain the works. The author suggests that the theatrical community produce similar materials in print for the play going experience. He would like to see major regional theaters "engage leading critics, essayists, novelists, poets and playwrights" to produce a season of new imaginative plays "in a combined catalogue".

28. WHAT WE SHOULD KNOW ABOUT THE EFFECTIVENESS OF CAMPAIGNS BUT DON'T

By Peter Levine and Mark Hugo Lopez. *Annals of the American Academy of Political and Social Science*, September 2005, pp. 180-191.

This article provides a research agenda for analyzing factors in voter participation. It would be useful as well as interesting to understand more about why people decide to vote. The theoretical literature suggests that they weigh the costs and benefits of voting and also consider the moral obligation to participate. Relevant empirical evidence comes from surveys, comparisons of states with differing laws and electoral processes, and randomized field studies of voter mobilization efforts. The randomized experiments are by far the most rigorous sources, and they have yielded some insights about why people choose to vote or not to vote. However, much remains to be investigated.

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29. CHANGES IN TROPICAL CYCLONE NUMBER, DURATION, AND INTENSITY IN A WARMING ENVIRONMENT

By P.J. Webster, et al. *Science*, September 16, 2005, pp. 1844-1846.

The authors have examined the number of tropical cyclones and cyclone days as well as tropical cyclone intensity over the past 35 years, in an environment of increasing sea surface temperature. A large increase was seen in the number and proportion of hurricanes reaching categories 4 and 5. The largest increase occurred in the North Pacific, Indian, and Southwest Pacific Oceans, and the smallest percentage increase occurred in the North Atlantic Ocean. These increases have taken place while the number of cyclones and cyclone days has decreased in all basins except the North Atlantic during the past decade.

30. THE CLIMAX OF HUMANITY

By George Musser. *Scientific American*, September 2005, pp. 44-47.

The current era is unprecedented in human history. Three simultaneous transitions are taking place -- demographic, economic and environmental -- that will cause humanity to pass through a "bottleneck" of maximum stress on natural resources and human ingenuity, and will "pose problems that humans have little experience with." In this introductory article of a special series, *Crossroads for Planet Earth*, the author highlights an eight-point "action plan for the twenty-first century": understand the changes that are taking place; achieve

Millennium Development Goals; preserve crucial habitats; move away from fossil fuels; provide cheap irrigation to poor farmers; improve health systems; prepare for slower growth; and set priorities in a more rational way.

31. HARNESSING NANOTECHNOLOGY TO IMPROVE GLOBAL EQUITY

By Peter A. Singer, et al. *Issues in Science & Technology*, Summer 2005, pp. 57-64.

The authors note that the next major technology wave, nanotechnology will be revolutionary in a social and economic as well as a scientific and technological sense. The less industrialized countries are eager to play an early role in developing this technology; the global community should help them. Developing countries usually find themselves on the sidelines watching the excitement of technological innovation. The wealthy industrialized nations typically dominate the development, production, and use of new technologies. But many developing countries are poised to rewrite the script in nanotechnology. They see the potential for nanotechnology to meet several needs of particular value to the developing world and seek a leading role for themselves in the development, use, and marketing of these technologies.